

William C. Griesbach Procedures

Preferred Procedures and General Information for Litigants appearing before Judge William C. Griesbach Form of Pleadings Pleadings, affidavits, stipulations, briefs and proposed orders should be in the format set forth in General L.R. 5(a). The Court prefers Times New Roman font in not less than 12-point type. Scheduling Conferences After all parties have appeared in an action, they will receive notice from the Court as to the date set for a Rule 16(b) scheduling conference. See Fed. R. Civ. P. 16(b). The Notice will indicate whether counsel are to appear in person or by telephone. Counsel having knowledge of the case are expected to attend the scheduling conference and be prepared to discuss the value of the claims asserted by them, the expected discovery, possible defenses, threshold issues and a schedule of the case. Where the Notice is for an in-person Scheduling Conference, requests to appear by telephone will be considered, but unless good reasons to appear by telephone are present, attendance by knowledgeable counsel is strongly preferred so as to make the conference more productive. The Notice will also contain the due date for filing of the proposed discovery plan developed at the Rule 26(f) conference. A scheduling order will be entered by the Court after the Rule 16 conference is held. Requests for Extensions of Time, Leave to File Amended Pleadings, etc. When reasonably able to do so, a party seeking an extension of any deadline, leave to file an amended pleading or enlarged brief, or similar relief should confer with all other parties in the case to determine whether any party objects. A motion seeking such relief should, where possible, indicate whether the motion is opposed.

Most requests for these kinds of relief will be addressed promptly when no party objects or all parties stipulate. Any request for an extension of time, including a stipulation, should set forth the reasons for the extension, such that the Court can determine whether good cause exists under Fed. R. Civ. P. 6(b). Proposed Order Mailbox Proposed orders, when appropriate, shall be e-mailed in word processing format (not PDF). The subject line of the e-mail should contain the case number and the type of relief requested (e.g., 08-C-999 Order Extending Time). The preferred word processing format for proposed orders is WordPerfect format. Proposed orders may be e-mailed to: GriesbachPO@wied.uscourts.gov.

Proposed orders are to be e-filed in PDF format as an attachment to the motion or stipulation seeking relief from the Court. Do not file a proposed order combined with the motion or stipulation as a single document. Do not file a proposed order as a separate docket entry from the motion or stipulation. (see <http://www.wied.uscourts.gov/ECF/EcfCvProc.pdf> - Page 13, Sec. II. F, ¶¶ 1, 2)

The Court may enter "Text Only Orders" (formerly, "margin orders") on the docket as it deems appropriate. It is not necessary to prepare proposed orders on Motions for Summary Judgment, Contested Motions to Dismiss, or similar motions where it is reasonably anticipated that the Court will issue a decision. Temporary Restraining Orders

and Expedited Motion Practice Parties requesting relief of an immediate or emergency nature should contact the deputy clerk directly or chambers. Unless immediate ex parte relief is warranted, the Court will generally set the matter on for at least a telephone status conference the same day. Non-dispositive matters that require expedited attention may be addressed through an expedited motion following the procedures in Civil L.R. 7(h). The Court will contact the parties if it determines that a telephonic conference is necessary. Discovery Disputes

Note that all parties must confer prior to filing a motion regarding a discovery dispute. See Fed. R. Civ. P. 37(a) and Civil L.R. 37. If available, the Court will promptly hold a telephone conference to address a discovery dispute that arises in anticipation, or in the course, of a deposition. The parties are also invited to request a telephone conference with the Court in advance of filing a discovery motion if they have been unable to resolve the matter in a Rule 37 conference. Generally, discovery disputes that are factually or legally complex should be presented by written motion. Such disputes are either decided on briefs or following a hearing, depending on the issues raised and whether the Court has additional questions. Requests for a hearing are frequently granted, especially if further difficulty is anticipated and additional guidance is sought to avoid further difficulties.

Motions to Strike Objections to another party's submission should normally be raised in the objecting party's merits brief, rather than in a separate motion to strike. Courtesy Copies A copy of every e-filed brief which exceeds ten pages in length, should be delivered (regular mail is sufficient) to the Green Bay Divisional Office of the Clerk promptly. The copy should indicate, on its face in the lower right-hand corner, the date the document was e-filed and the document's docket number. Courtesy copies of key documents that exceed ten pages, or the relevant portions thereof, are also appreciated.

All courtesy copies should be fastened by either (1) a staple at the upper-left-hand corner of the document, or (2) an Acco-fastener inserted at the top of the document.

Where courtesy copies of affidavits with lengthy or multiple exhibits are attached, exhibit tabs should be used to delineate each exhibit. E-Filing Documents should be extracted from your original document in text searchable format. The Court prefers that filings be converted to PDF format from word processing, rather than scanned. If scanning is absolutely necessary, it should be in the lowest clearly readable resolution (300 X 300 in black and white mode, unless higher resolution is necessitated by graphics. Avoid color and grayscale scanning whenever possible.). See requirements outlining three different methods at: <http://www.wied.uscourts.gov/dmdocuments/appendixd.pdf>

When e-filing motions and briefs, care should be taken to:

- 1) Properly name attachments. Instead of Attachments 1, 2 and 3, list the name of each document – Ex A - Initial Contract, Ex B - Doe Deposition, Ex C - 2006 Sales Figures.
- 2) Link responses and replies to the original motion, and link affidavits and declarations to the supporting brief. In most cases, CM/ECF offers the opportunity to create a link to the motion. In the absence of such an opportunity, a link can be created by referencing the docket number of the original motion and/or brief in added text – i.e. Response to [15] Motion to Dismiss. Brackets, with the docket number placed between them, create the link in CM/ECF.Summary Judgment MotionsCopies of all summary judgment briefs must be delivered to the Green Bay Divisional Office of the Clerk promptly. Each copy should indicate, on its face and in the lower right-hand corner, the date the document was e-filed and the document’s docket number.

In most cases, parties should comply with Civil L.R. 7 and with Civil L.R. 56 as applicable. Parties are encouraged to file stipulated facts under Civil L.R. 56(b)(5) to the extent possible.

As an alternative to the more formal procedure required under the Civil L.R. 56, which is generally used after all or almost all discovery has been completed, a party may elect to use a more streamlined procedure, hereinafter referred to as the Fast Track Summary Judgment (“FTSJ”) Procedure. FTSJ may be used in cases in which an issue counsel believes is wholly or partially dispositive is narrow, discrete, and capable of early resolution without need for extensive discovery. Upon request of counsel and when appropriate, the Court (1) may stay unrelated discovery and other proceedings in the case in order to avoid unnecessary expense to the parties, or (2) extend the time for responsive briefing to permit related discovery and other proceedings in the case as contemplated by Fed. R. Civ. P. 56(f). A party using this procedure must follow the general rules governing summary judgment motion practice set forth in Civil L.R. 7, except that no more than three affidavits not exceeding five pages in length, excluding exhibits and attachments, may be filed in support of the motion absent leave of the Court. The party opposing a FTSJ motion is likewise limited to three affidavits not exceeding five pages, excluding exhibits and attachments, absent leave of the Court. Unless otherwise ordered, the briefing schedule set forth in Civil L.R. 7 shall apply in such cases. Parties who file such motions must clearly indicate they are using the FTSJ Procedure described in the Procedures for Litigants Appearing Before Judge Griesbach. If the opposing party is pro se, the moving party must comply with Civil L.R. 56, except that the text to Civil L.R. 56 should not be included as part of the motion. Use of FTSJ will not preclude a later motion from being filed by any party under Civil L.R. 56 where appropriate, except that any ruling by the Court on FTSJ motion becomes the law of the case.

Oral ArgumentOral argument is set at the Court’s discretion. Most motions are decided on briefs, but the parties should advise the Court if argument is requested.Motions in Limine, Voir Dire, and Jury InstructionsMotions in limine in civil cases are generally due at least 10 days before the final pretrial conference, with responses due 7 days later, so that the decision can be issued at or before the final pretrial conference. Earlier filing of motions in limine raising more complex issues is appreciated.

Regarding voir dire and jury instructions, consult Civil L.R. 16(c)(1)(H).Courtroom Decorum and Procedure for TrialCounsel are expected to address clients, witnesses and all other parties by their surnames.

In making an objection, counsel shall briefly state the grounds for the objection. During jury trials, the Court will call a brief sidebar if further discussion is necessary. A full record can be made once the jury is excused.

Generally, only one attorney should speak on behalf of a client as to any issue under consideration during a trial or hearing. Exceptions can be granted.

Counsel are to address the Court, rather than each other, during the course of any trial or hearing.

When the Court is in trial, especially jury trials, all non-essential matters are rescheduled so that interruptions are kept to a minimum. The trial generally starts at 9:00 a.m. (some of our jurors travel long distances), but attorneys are expected to be in court at 8:30 a.m., at least on the first day, to address any housekeeping matters. In addition to a 10-15 minute break mid-morning and mid-afternoon, a one-hour lunch break is taken. The Court usually adjourns the trial at 5:00 p.m., unless additional time is needed to complete the testimony of a witness or there are good reasons to continue. The Court strongly prefers to address matters that are required to be taken up outside the presence of the jury during a regular break, in the morning before trial starts, or after the jury is excused.

The Court generally conducts its own voir dire, but incorporates questions proposed by counsel, where appropriate. Attorneys may request the Court to ask follow-up questions. Preliminary instructions concerning the elements of the claim or crime, definition of evidence, the burden of proof, order of trial and role of the jury are given, usually while the attorneys are taking their peremptory strikes. In civil cases, the Court generally seats an eight-person jury.

Exhibits should be marked by counsel before trial. Documents identified as exhibits should be numbered sequentially, with only one exhibit number assigned to a document or physical object throughout the course of the trial. Exhibits 1-999

are reserved for plaintiff's or prosecution exhibits, and number 1000-1999 are reserved for the defendant's exhibits. If there are more than two parties, successive blocks of 1000 can be reserved for each additional party, and counsel should consult with the clerk regarding which block to use. Parties are to avoid offering duplicate exhibits and are encouraged to stipulate to the admission of exhibits before trial so as to avoid interrupting the testimony. Exhibits are not to be displayed to the jury prior to their admission absent stipulation by the parties. Upon request and when appropriate, jurors may be provided copies of specific or exhibit binders.

The Court generally allows jurors to take notes during trial. The Court also frequently provides copies of the verdict to the jurors during closing argument and copies of the instructions are provided during deliberations. Generally, the Court reads all of the instructions to the jury before the attorneys make their closing arguments, except for the brief closing instructions which are read after the arguments.

Courtroom EquipmentThe Court has an easel, DVD/VCR player, and a single television monitor available for use by counsel. In some cases, including prisoner cases, testimony by video conference is also available. Counsel may use personal laptop computers or contract for other technology at their own expense. Counsel may make arrangements with court staff for access to the courtroom for the purpose of setting up any equipment prior to a trial or hearing. **Transcripts or Copies**

of Digital RecordingAll hearings are digitally recorded. Requests for transcripts or CD copies of the digital recording of a hearing must be in writing and are to be submitted to the Green Bay Divisional Office of the Clerk by mail, by fax to (920)884-3724, or by e-mail to wied_clerks_gb@wied.uscourts.gov. **Pro Hac Vice Admissions**The Court does not grant permission to appear in this district pro hac vice. Attorneys appearing in this Court must apply for regular admission to practice in the district. Information on admission is available on the court website. Questions may be directed to the Office of the Clerk.